

1900-041 Chancery Causes. Calvin Pardue vs. Jacob Collinsworth &c
Lee Co.

Dalton, Hobbs, Hughes, Jackson, Sleep

CA-Contract Dispute
T-Property

CIRCUIT COURT OF LEE COUNTY, VIRGINIA

Calvin Pardee, Complainant,

v.

BILL

Jacob Collinsworth et al., Defendants.

To the Honorable H. A. W. Skeen,

Judge of the Circuit Court of Lee County, Va.

Your orator, Calvin Pardee, states
unto the court as follows, to-wit:

That, by patent, dated October 1st, 1855, the Commonwealth of Virginia granted unto one Albin Whisman a certain tract or parcel of land, containing two hundred (200) acres, more or less, lying in the Crab Orchard, in Lee County, Virginia; that by divers mesne conveyances title to the said land became vested in the heirs of Sebastian S. Slomp, which heirs were as follows, to-wit: Campbell Slomp, Henry C. Slomp, Nervesta, who intermarried with James M. Flanary, Alpha, who intermarried with George W. H. Habern, and Susan, who intermarried with H. D. Pridemore; that thereafter the said Henry C. Slomp and wife, and the said Alpha Habern, together with her husband, the said George W. H. Habern, by deed, dated October 5th, 1866, recorded in Lee County, in Deed Book 15, page 507, granted and conveyed all their undivided interest in and to the said tract of land unto Thomas Collinsworth, the interest so conveyed being an undivided two-fifths interest in the said land; that thereafter, by deed, dated February 1st, 1870, recorded in Lee County Deed Book 16, page 127, the said Thomas Collinsworth granted and conveyed unto one Joshua N. Redwine one undivided one-half of the said undivided interest, to-wit, one-fifth undivided interest in and to the said land, that there-

after the said remaining heirs, and the said Thomas Collinsworth and the said Joshua N. Redwine, made verbal partition of the said land, but no deeds were ever executed by any of them to any of the others for the parts of the said land so assigned to them, respectively; and your orator further states that he has by divers mesne conveyances become now the owner of the whole of the said two hundred (200) acre tract of land;

Your orator further states that, by patent dated August 1st, 1855, the Commonwealth of Virginia granted unto one Elkanah Flanary and the said Sebastian S. Slemp a certain other tract or parcel of land lying in the Crab Orchard in Lee County, Virginia, containing eleven hundred and fifty (1150) acres, more or less; that thereafter the said Sebastian S. Slemp departed this life, leaving the five children above named as his heirs at law; that thereafter the said Elkanah Flanary, by deed, dated June 3rd, 1861, recorded in Lee County in Deed Book 15, page 160, granted and conveyed his interest in so much of the said 1150 acre tract as is hereinafter shown to have become vested in your orator unto Henry C. Slemp, George W. H. Habern, James M. Flanary, Campbell Slemp, and Susan Slemp, who afterwards married, as aforesaid, the said H. D. Pridemore; that thereafter, by deed dated October 5th, 1866, recorded in Lee County Deed Book 15, page 607, the said Henry C. Slemp and wife and George W. H. Habern and Alpha Habern, his wife, granted and conveyed all their right, title and interest in so much of the said 1150 acre tract of land as is hereinafter shown to have become vested in your orator, unto one Thomas Collinsworth, the interest so conveyed being an undivided two-fifths interest in the said lands; that thereafter, by deed dated February 1st, 1870, recorded in Lee County Deed Book

16, page 127, the said Thomas Collinsworth granted and conveyed one-half of his undivided interest, to-wit, and undivided one-fifth interest in and to the said lands unto Joshua N. Redwine; that thereafter the remaining owners of the said parts of the said 1150 acre tract of land, and the said Thomas N. Collinsworth and Joshua N. Redwine made verbal partition of the said lands, but no deeds were ever executed by any of them to any of the others for the parts of the said land so assigned to them respectively; and that your orator has by divers mesne conveyances become the owner of the following several parts or parcels of the said land, to-wit; of a certain part thereof conveyed to him by Campbell Slomp and wife, by deed dated April 27th, 1900; of another part thereof conveyed to him by N. C. Ely and wife, by deed dated June 4th, 1900; of another part thereof conveyed to him by John Edens and wife, by deed dated June 4th, 1900; and of another part thereof conveyed to him by E. M. Cooper by deed dated June 4th, 1900; all of which deeds are of record in the County Court Clerk's office of Lee County, Virginia, ~~in Deed Book~~; and your orator files herewith a certified copy of the aforesaid patents, and of all of the said deeds, as part hereof;

Your orator further says that although no deeds were ever executed by the said parties making the said verbal partitions as aforesaid, yet each of the parties took possession of the tracts of land assigned to them, respectively, and possession thereof has been held by them respectively, and those claiming under them, for a great number of years, to-wit, for over fifteen years, and everyone has always recognized the said partitions as valid and binding;

Your orator further says that the said Thomas Collinsworth departed this life several years since, leaving

the following children as his heirs at law, to-wit: Jacob Collinsworth, who lives in _____ County, Kentucky, Catherine , a daughter, who married Thomas Dalton, and lives in Laurel County, Kentucky; Rebecca Collinsworth, a daughter, who is unmarried, and lives in _____ County, Kentucky, Wm. N. Collinsworth, who lives in Butler County, Kansas; Manda, a daughter, who married Hampton Hobbs, and lives in Lee County, Virginia; Martha, a daughter, who married Tobias Hughes, and lives in Lee County, Virginia; and Hettie, a daughter, who married Henry Jackson, and lives in Lee county, Virginia;

Wherefore, being without remedy, save in a Court of Equity, your orator prays that the said Jacob Collinsworth, Thos. Dalton and Catherine, his wife, Rebecca Collinsworth, Wm. N. Collinsowrth, Hampton Hobbs, and Manda, his wife, Tobias Hughes and Martha, his wife, Henry Jackson and Hettie his wife, be made parties defendant to this bill, and required to answer the same, but answer under oath is hereby waived; that an order of publication be made against the said non-resident defendants; and that, upon a final hearing, a Commissioner be appointed ^{with directions} to convey unto your orator all the right, title and interest of each and all of the said defendants in and to the said 200 acre tract of land, and so much of the said 1150 acre tract of land as has been conveyed to your orator as hereinabove stated; and for costs, and such other further and general relief as the nature of the case may require, and to equity may seem meet.

Bullitt & Kelly

B. H. Sewell

p.q.

Calvin Pardee
vs } Bill in Chancery
Jacob Collinsworth et al

1st Sept rules bill filed &
Spa executed & D. N.

the following children as his heirs at law, to-wit: Jacob
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;
Collinsworth, who lives in _____ County, Kentucky;

CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

AFFIDAVIT

Jacob Collinsworth et al., Defendants.

Affiant Campbell Slomp states on oath that Jacob Collinsworth, Thos. Dalton and Catherine Dalton, his wife, Rebecca Collinsworth, and Wm. N. Collinsworth, who are defendants in a certain suit in chancery about to be instituted against them and others, by Calvin Pardee in the Circuit Court of Lee County, are non-residents of the State of Virginia.

C. Slomp

State of Virginia)
County of Wise) to-wit:

I, James A. Hinkle, a notary public in and for the State and County aforesaid, do hereby certify that Campbell Slomp, whose name is signed to the foregoing affidavit, has this day personally appeared before me in my county aforesaid, and made oath ^{that} ~~to~~ the statements contained in said affidavit are true.

Given under my hand this 30th day of July 1900.

James A. Hinkle, Notary

Fee 25¢

Calvin Pardee
vs Affi for Order of Pub
Jacob Collinworth et als
Filed August 6th 1900
A. B. Munsey, Clerk

Calvin Pardee, Complainant,

v.

Alvin Pardee, Defendant.

VERIFICATION

CIRCUIT COURT OF THE COUNTY OF ALABAMA.

In and to the said Court,

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the

affidavit, and that the same was personally sworn to by the

deponent, and that the same is signed by the deponent in and

for the State of Alabama, and that the same is true and correct.

Notary Public in and for the State of Alabama.

Calvin Arden

In Chancery

Jacob Collingsworth & Co.

1900. 1st Sept rules Bill filed
Spa executed on home
Defts & O.P. for non residents
& D.N. & Contd for O.P. to
Complete
" 2nd Sept rules D.N. & Contd
O.P. Complete & Cause set
for hearing

Plaintiffs Costs
Clerk 5.18
Tax 1.50
atty 15.00
Printer 11.40
Sheriff 3.00
(\$36.08)

MEMORANDUM FOR CLERK

Circuit Court of Lee County, Virginia.

1st September Rules, 1900.

Calvin Pardee, Complainant,

v.

Jacob Collinsworth et al., Defendants, i. e., Jacob Collinsworth, Catherine Dalton, Thomas Dalton, Rebecca Collinsworth, Wm. N. Collinsowrth, Manda Hobbs, Hampton Hobbs, Martha Hughes, Tobias Hughes, Hettie Jackson, and Henry Jackson.

Issue summons against the home defendants, viz, Hampton Hobbs and his wife, Manda Hobbs, Tobias Hughes and his wife, Martha Hughes, and Henry Jackson and his wife, Hettie Jackson.

Make order of publication against the non-resident defendants, to-wit, Jacob Collinsworth, Thos. Dalton and Catherine Dalton, his wife, Rebecca Collinsworth, and Wm. N. Collinsowrth, and publish the same in the Southwest Virginian, and post the same at the front door of the Court-house.

State the object of the suit in the order of publication as follows, to-wit: "The object of this suit is to require each and all of the defendants, who are heirs at law of Thomas Collinsworth, deceased, to convey unto the complainant, Calvin Pardee all their right, title and interest in and to a certain tract of land lying in the Crab Orchard, in Lee County, Virginia, containing 200 acres, more or less, granted by the Commonwealth of Virginia to Albin Whisman by patent, dated October 1st, 1855, and also so much of another tract of land lying in the Crab Orchard, in Lee County, Virginia, containing 1150 acres, more or less, granted by the Commonwealth of Virginia unto Elkanah Flanary and Sebastian S. Slomp by patent, dated August 1st, 1855, as was conveyed to the said Calvin Pardee by the following parties, to-wit,

by Campbell Slomp and wife, by deed dated April 27th, 1900; by N. C. Ely and wife, by deed dated June 4th, 1900; by John Edens and wife, by deed dated June 4th, 1900; and by E. M. Cooper, by deed dated June 4th, 1900; all of which deeds are of record in the County Court Clerk's Office of Lee County, Virginia, and are here referred to for greater certainty.

CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

DECREE

Jacob Collinsworth et al., Defendants.

This cause came on this 8th day of November, 1900, to be heard upon the bill and exhibits filed therewith, and was argued by counsel, and it appearing to the Court that Hampton Hobbs and Manda, his wife, Tobias Hughes and Martha, his wife, and Henry Jackson, and Hettie, his wife, have been summoned herein as required by law, and that an order of publication has been duly made, posted and published as required by law in the case of non-resident defendants, against Jacob Collinsworth, Thos. Dalton and Catherine, his wife, Rebecca Collinsworth, and Wm. N. Collinsworth, and that none of the said defendants has appeared, pleaded or answered herein, the bill is taken for confessed as to each and all of the said defendants; and it is further adjudged, ordered and decreed that B. H. Sewell, who is hereby appointed a Special Commissioner for the purpose, shall forthwith execute and deliver unto the said Calvin Pardee a deed, conveying unto him all of the right, title and interest of each and all of the said defendants in and to the 200 acre tract of land in the bill mentioned, and so much of the said 1150 acre tract of land therein mentioned as is therein stated to have been conveyed unto the said Calvin Pardee;

And thereupon came the said B. H. Sewell, Special Commissioner, who filed his report, showing that he had executed a deed to the said Calvin Pardee as hereinabove directed, and filed with the said report the said deed for the

inspection of the Court; and it is adjudged, ordered and decreed by the Court that the said report and the said deed be and the same are hereby approved and confirmed, and the said Calvin Pardee is hereby given leave to withdraw the said deed from the papers in this cause; and nothing further appearing to be done herein, this cause is stricken from the docket, *at the plaintiff's costs.*

CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

Jacob Collinsworth et al., Defendants.

REPORT OF B. H. SEWELL, SPECIAL COMMISSIONER.

The undersigned, B. H. Sewell, appointed a Special Commissioner in the above cause, by decree entered this day therein, would respectfully report unto the Court that he has executed a deed to Calvin Pardee, as in said decree directed, and herewith files the said deed for the inspection of the Court.

Respectfully submitted

Special Commissioner.

Calvin Paden

vs. } *beere*

Jacob Collinsworth
et al

Enter This
Nov 8th 1900.

H. A. W. Stuenkel

Entered on Chy
O.B. No. 6. P. 438.

Special Commissioner.

Circuit Court of Lee County Virginia.

Calvin Pardee Complainant

vs

²/₃ Report of B. H. Sewell, Special Comm'r.

Jacob Collinsworth et al, Defendants

The undersigned, B. H. Sewell, who was this day appointed a Special Commissioner in this cause, would respectfully report that he has executed a deed unto the Complainant, Calvin Pardee, as directed in the said decree, and now files the said deed for the inspection of the Court.

Respectfully
Submitted,

B. H. Sewell,
Special Comm'r.

Calvin Pardee
vs Commissioner's
Report of Deed.
Jacob Collinsworth et al.

Filed in open
Court, this Nov.
8th 1900.
A. B. Munsey
Clerk.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 6th day of August 1900.

Calvin Pardee

Plaintiff

against

Jacob Collinsworth, Catherine Dalton, Thomas Dalton, Rebecca
Collinsworth, Wm. M. Collinsworth, Manda Hobbs, Hampton
Hobbs, Martha Hughes, Tobias Hughes, Nettie Jackson
and Henry Jackson.

Defendant S

In Chancery

" The object of this suit is to require each and all of the defendants
at law who are heirs of Thomas Collinsworth, deceased, to convey unto
the plaintiff, Calvin Pardee, all their right, title and interest
in and to a certain tract ~~or parcel~~ of land, lying in the Crab
Orchard, in Lee County, Virginia and containing 200 acres,
more or less, granted by the Commonwealth of Virginia to
Albin Whisman by Patent dated October 1st, 1855; and also
so much of another tract of land, lying in the Crab Orchard
in Lee County, Virginia, containing 1150 acres, more or
less, granted by the Commonwealth of Virginia, unto
Elkanah Flanary and Sebastian S. Slump, by Patent
dated, August 1st, 1855; as ~~was~~ conveyed to the said
Calvin Pardee by the following parties to-wit; by
Campbell Slump and wife, by deed dated April 27th, 1900;
by N. B. Ely and wife, by deed dated June 4th, 1900; by
John Edens and wife, by deed dated June 4th, 1900, and
by E. M. Cooper, by deed dated June 4th, 1900, all of
which deeds are of record in the County Court Clerk's
office of Lee County, Virginia, and are here referred
to for greater certainty "

And an affidavit having been made and filed that the defendant S. Jacob Collinsworth, Catherine
Dalton, Thomas Dalton, Wm. M. Collinsworth, and Rebecca Collinsworth
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the South-West
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Bullitt & Kelly
B. H. Sewell

P. q.

A. B. Munsey

Clerk.

Pardee Calvin

vs. {

ORDER OF
PUBLICATION.

Jacob Collinsworth et als

Virginia Lee County to-wit:
I A.B. Munsey Clerk of the
Circuit Court of Lee County do
hereby certify that I posted
a copy of the within at the
front door of the Courthouse
of said County on the 1st
day of the August term 1900
of the County Court of
said County. Given under
my hand this the 20th
day of August 1900.

A.B. Munsey Clk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Jacob Collinsworth, Catherine*
Dalton, Thomas Dalton, Rebecca Collinsworth Mrs. M.
Collinsworth, Manda Hobbs, Hampton Hobbs,
Martha Hughes, Tobias Hughes, Fattie Jackson and Henry Jackson
to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *1st* Monday in *September 1900*, to answer a
bill in chancery exhibited against *them* in our said court by *Calvin*
Pardee

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *6th* day of *August 1900* ~~189~~, and in the *125th* year of the
Commonwealth.

A. B. Munsey Clerk

Aug 15 1900 Ely

Form No. 300 1/2

Calvin Pardee

vs.

SUBPOENA

IN CHANCERY

Wm M Collinsworth et al

Bullitt & Kelly
vs B H Sewell p. q.

To 1st September Rules.

Circuit Court.

Serve with copies
the following persons
Hampton Hobbs -
Manda Hobbs -
Tobias Hughes
Martha Hughes
Henry Jackson -
Hettie Jackson -

and giving her information of this purport

executed the 15 day of August 1900 by delivering an attested copy
to each of the following named parties: Tobias Hughes, Martha
Hughes, Manda Hobbs and Hettie Jackson; and further executed on the
day aforesaid as Hampton Hobbs, by delivering to his wife, Manda Hobbs, who
is a member of the family of the said Hampton Hobbs, over the age of 16 years, and
giving to her information of the purport of said writ, she being found at the
usual place of abode of the said Hampton Hobbs, and he the said Hampton Hobbs
not then being found at his usual place of abode. And further executed on
the day first aforesaid, as Henry Jackson, by delivering an attested copy to Hettie Jackson
the wife of Henry Jackson, who is a member of the said Henry Jackson, over the age of 16 years,
she being found at the usual place of abode of the said Henry Jackson, and he the said
Henry Jackson not being found at his usual place of abode.

D. P. Ely J. S. to W. J. Mileham S. J.

CERTIFICATE OF
ORDER OF PUBLICATION.

I, A. M. Goins, Editor of the SOUTH-
WEST VIRGINIAN, a weekly newspa-
per published at Jonesville, Lee County,
Va., do hereby certify that the annex-
ed notice was published in said paper
once a week for four successive weeks,

commencing on the 16th day of

August, 1900

A. M. Goins, EDITOR.

FEE, \$11.40

Order Of Publication.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee on
the 6th day of August, 1900.

CALVIN PARDEE, Plaintiff.

Against

Jacob Collinsworth, Catherine Dal-
ton, Thomas Dalton, Rebecca Col-
insworth, Wm. M. Collinsworth,
Manda Hobbs, Hampton Hobbs,
Martha Hughes, Tobias Hughes,
Hettie Jackson and Henry Jack-
son, Defendants.

IN CHANCERY.

"The object of this suit is to require each
and all of the defendants who are heirs at
law of Thomas Collinsworth deceased, to
convey unto the plaintiff, Calvin Pardee,
all their right, title and interest in and to
a certain tract of land, lying in the Crab
Orchard, in Lee County, Virginia, and
containing 200 acres, more or less, granted
by the Commonwealth of Virginia to Albin
Whisman by Patent dated October 1st,
1855, and also so much of another tract of
land lying in the Crab Orchard, in Lee
County, Virginia, containing 1150 acres,
more or less, granted by the Common-
wealth of Virginia, unto Elkanah Flanary
and Sebastian S. Slem, by patent dated
August 1st, 1855, as was conveyed to to
the said Calvin Pardee by the following
parties to-wit: by Campbell Slem and
wife, by deed dated April 27th, 1900; by
Jno. Edens and wife by deed dated June
4, 1900; by

N. C. Ely and wife, by deed dated June 4,
1900, and by E. M. Cooper, by deed dated
June 4th, 1900, all of which deeds are of
record in the County Court Clerk's office
of Lee County, Virginia, and are here re-
ferred to for greater certainty.

An affidavit having been made and
filed that the defendants, Jacob Collins-
worth, Catherine Dalton, Thomas Dalton,
Wm. M. Collinsworth and Rebecca Collins
worth, are not residents of the State of
Virginia, it is ordered that they do appear
here within fifteen days after due publica-
tion hereof, and do what may be necessary
to protect their interest in this suit. And
it is further ordered that a copy hereof be
published once a week for four weeks in
the Southwest Virginian, and that a copy
be posted at the front door of the court-
house of this County on the first day of the
next term of the County Court.

A copy—Teste:

A. B. MUNSEY, Clerk.

Bullitt & Kelly and B. H. Sewell, p. q.

8-9—00—4t.

ORDER OF PUBLICATION.

Calvin Pardee

VS.

IN CHANCERY.

Jacob Collinsworth et al.

FEE \$11.40